REMARKS

Claims 1-14 are now pending in this application for which applicant seeks reconsideration.

IDS

The examiner did not consider CN 1332549 cited in the IDS filed on February 6, 2006. Since applicant provided an English translation of the Chinese Office Action that describes the relevancy of this reference, the examiner should have considered it. Nonetheless, applicant submits another IDS, requesting the examiner to reconsider this reference, and identifying corresponding USPGP 20020002413.

Amendment

Claims 1-11 have been amended to improve their form, clarity, and readability, and new claims 11-14 have been added. The preamble of claims 9-11 has been appropriately amended, namely embodying a computer program in a computer-readable medium, to overcome the § 101 rejection. No new matter has been introduced.

Art Rejection

Claims 1-11 were rejected under 35 U.S.C. § 102(b) as anticipated by Nozaki (USPGP 2002/0036800). Applicant traverses this rejection because Nozaki would not have disclosed or taught at least seeking a request to copy the already downloaded contents from the server before allowing copying of the same as set forth in independent claims 1, 6, and 9.

Specifically, independent claims 1, 6, and 9 call for storing the contents downloaded from the server apparatus, sending to the server apparatus a request for copying the already downloaded contents to an external apparatus or recording medium, receiving copy control data of the already downloaded contents to be copied to the external apparatus or recording medium from the server apparatus, and determining whether to copy the already downloaded contents to the external apparatus or recording medium based on the received copy control data. The claimed invention thus calls for seeking a permission from the server each time before the already downloaded contents are to be copied.

In Nozaki, the user information, including copy control data, is stored in the user PC. The server 1 sets available copy count information of music data to distribute the available copy count information in response to a request by the user PC. The user PC duplicates the music data based on the limitations imposed by the available count information. See paragraph 63.. In Nozaki, rewriting of the copy control data each time the music data is copied is done at the

PC side. See Fig. 5, paragraph 80, Figs. 4 and 10, and paragraphs 140-143. In contrast, the pending claims call for seeking a permission from the server each time a copy is to be made; the server rather provides the updated copy control data to the user terminal (e.g., PC).

Nozaki further discloses setting the available copy count information for reuse when the user sends a request for reuse to the distribution server 1, i.e., when the user wishes to change the available copy count information. The server distributes a reuse information key corresponding to the available copy count information reset by the server when the server receives a request for reuse from the PC. See paragraphs 87, 106, and 130. The user PC can also rewrite the use limitation information, namely the available copy count information, according to the reuse information key when permitted by the server. See paragraphs 19, 20, and 132.

According to Nozaki, the available copy count is managed by both the server and PC. But in Nozaki, the available copy count data is always rewritten at the PC side when the music data is copied. Nozaki does not seek a request or permission to copy the already downloaded music data from the server each time the music data is copied within the available copy count. Rather, Nozaki relies exclusive from the locally stored copy count data.

In contrast, according to the claimed invention, each time the user on the terminal wishes to copy the already downloaded contents, the terminal has to seek a permission from the server as to whether copying is permitted. The available copy count information cannot be updated at the terminal. In other words, the available copy count information is managed only at the server side. Therefore, the copying can be better restricted in the claimed invention in comparison with Nozaki. As Nozaki would not have disclosed or taught seeking a copy permission from the server each time an already downloaded music data is to be copied, applicant submits that Nozaki would not have disclosed or taught the claimed invention.

Moreover, claim 1 further calls for a server controlling section that, in response to a request from a user for copying the already downloaded contents from the information processing terminal to an external apparatus or recording medium, reads out the copy control data of the requested downloaded contents to be copied to the external apparatus or recording medium from the server storing device, supplies the copy control data of the user to the information processing terminal, and amends the copy control data of the user corresponding to the request stored in the server storing device. Applicant submits that Nozaki further would not have disclosed or taught the server functionality set forth in claim 1.

Conclusion

Applicant submits that claims 1-14 patentably distinguish over the applied reference and are in condition for allowance. Should the examiner have any issues concerning this reply or any other outstanding issues remaining in this application, applicant urges the examiner to contact the undersigned to expedite prosecution.

Respectfully submitted,

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